



FINAL REPORT
Canada-China Forum on Industrial Relations and Labour Employment
Human Resources and Skills Development Canada
INTERNATIONAL TRADE AND LABOUR PROGRAM (ITLP)

Executive Summary

The Canada-China Forum on Industrial Relations and Labour Employment (hereafter known as the Forum) was held on May 6 and 7, 2011, at the Beijing Conference Center, China, No 88, Laiguangying Westroad, Chaoyang District, Beijing.

This international project was sponsored by Canada's Ministry of Labour and the Trade and Labour Program (ITLP) in support of the 2007-2009 *Cooperation Framework Between The Labour Program Of Human Resources And Skills Development Canada And The Ministry Of Human Resources And Social Security Of The People's Republic Of China In The Field Of Industrial Relations And Labour Standards*. The additional support was provided by the institutional partners York Centre for Public Policy and Law, York University, Toronto, Canada (YCCPL); and the Capital University of Economics and Business, Beijing, China (CUEB).

Working with government officials in Canada and the Capital University of Economics and Business (CUEB) as the Chinese institutional lead, the York Centre for Public Policy and Law (YCCPL) organized the Forum project, bringing together academics, senior government officials, representatives from human rights commissioners, and delegates from business, labour and NGOs, to provide a dynamic platform for an important comparative discussion of industrial relations and workplace rights with a view to relating these issues to international labour standards.¹

From China, 40 experts on the themes for the Forum were drawn from Chinese universities as well as senior officials from the Chinese Ministry of Human Resources and Social Security and other relevant departments, from both central and provincial levels, the All-China Federation of Trade Unions, the China Enterprise Confederation, All-China Women's Federation, and labour NGOs. Experts from the International Labour Organization/Beijing Office were also invited.

From Canada, a 17-person multisector delegation was assembled which comprised experts from Canadian Universities; senior officials from the International Trade and Labour Program, Human Resources Skills Development Canada, and relevant provincial departments; and labour relations experts from business, unions and NGOs, including Chinese and South Asian Legal Aid Center

¹ Also see- Appendix VI Expected Results.

and the Multicultural History Society of Ontario. Canada's Ambassador to the People's Republic of China also participated as a speaker in the Forum.

The Forum was conducted as plenary panel discussions over a two-day period utilizing simultaneous translation services. It was designed in a comparative public policy and 'learning network'² format providing a multilateral and multisectoral platform for cooperation and 'social dialogue'³ involving all labour market stakeholders. Representatives of academia, government, business, labour and NGOs from Canada and China were invited to exchange information on best practices for improving industrial relations and labour standards.

Public policy discussions and analysis in the Canada-China Forum cut across national, institutional and disciplinary lines, and engaged all stakeholders in the world of work around four broad subject areas:

- 1) Labour relations and labour issues.
- 2) Collective bargaining and collective consultation.
- 3) Addressing employment discrimination.
- 4) Labour standards in the workplace.

The Forum program was designed to provide an opportunity for open dialogue among labour market stakeholders on the domestic issues and global challenges in the workplace with a particular focus on employment discrimination, tripartite mechanisms, labour dispute resolution and collective bargaining. It also provided participants the chance to examine important comparative subject areas, including the current standards and new developments in Canada and China with a view towards increased awareness of labour rights; employment and labour market governance; social security and employment promotion; socially responsible enterprise restructuring; health and safety standards; and workers rights and foreign trade linkages with the role that social partners play with workplace issues. The program goal was to be informative, provide ample opportunity for participation and the exchange of information, and open constructive dialogue among international scholars and labour /employment practitioners. In addition, the long term aim of establishing the framework for a joint policy network for continuing collaboration and best practices dialogue among Canadian universities, governments, business, union and NGO communities and their Chinese counterparts in the years and decades ahead was also a recurrent consideration.

The major themes of the Forum issuing from these discussions can be summarized as follows:

- New development of labor relationship research
- Safeguard for international cooperation and migrant workers

² See, for example – Sabatier, P. and HC Jenkins-Smith, 1999. "The Advocacy Coalition Framework: An Assessment." In P Sabatier (ed) *Theories of the Policy Process*. Westview Press, Boulder. Nielson, S., 2001. *Knowledge Utilisation and Public Policy Processes: A Literature Review*, Evaluation Unit, IDRC, Ottawa, Canada; Stone, Diane and Simon Maxwell. 2005. *Global Knowledge Networks and International Development: Bridges Across Boundaries*. New York: Routledge

³ Social dialogue is defined by the ILO to include all types of negotiation, consultation or simply exchange of information between, or among, representatives of governments, employers and workers, on issues of common interest relating to economic and social policy (<http://www.ilo.org/public/english/dialogue/themes/sd.htm>).

- Trend of changes in labor relationship
- Labor safety and labor protection
- How international labour legislation affect each country under globalization
- Tripartite negotiation mechanism and Collective bargaining
- Labor Disputes Treatment
- Study of Labor Relations and Trade Union
- Study of Moderate Work and Employment Discrimination
- Theory and Reality of labour mobility
- Wealth gap and choice of labour policy route
- Regional economics and moving trend of China's migrant peasants
- Problems of urban employment difficulties
- Transformation of the economic development mode, employment and human resource management
- Promotion of equality at work, with a particular focus on migrant and gender equality as crosscutting themes

It was recurrently acknowledged by Canadian and Chinese delegates throughout the Forum that the different jurisdictions have different challenges and problems. There is no substantial convergence or similarity in employment policy standards across countries, or one-size-fits-all employment policy. The global policy dialogue on employment policy is premised on policy solutions that fit the jurisdiction where they are being applied. Yet, in coping with global labour market challenges in both countries, workplace integration strategies were also theorized as central to the dynamism and synergy required for an integrated labour market and a productive economy. In the Chinese context, collective bargaining and social dialogue were consistently articulated as the focal points for a constructive engagement with sound employment policy. In the Canadian context, the strategies were often associated with regulatory protection structures, such as employment equity, pay equity and affirmative action. This divergence in employment policy standards reflects a Chinese *and* Canadian 'Exceptionalism' as it relates to culturally specific differences between a collective rights focus on the one hand, and an individual rights focus on the other. Whereas the 'Made in China' solutions to workplace challenges are often focused at the social organization level, the 'Made in Canada' solutions tend to reside at the level of the individual. At the same time, the strong analytic intersections around issues of workplace integration indicate a convergence on the idea and framework for good governance – as it relates to principles of fairness and inclusive citizenship.

While recognizing the specificities of both countries, members of the Canadian and Chinese delegations consistently theorized the political economy challenges of globalization in the connection of workers to citizenship, and employment to rights – and they recommended that these intersections must be considered important parts of any effective governance of modern industrial relations development.

The summary of findings and recommendations arising from the first *Canada-China Forum on Industrial Relations and Employment Standards* are as follows:

Significant Findings and Conclusions of the Forum:

1) The Forum plenary sessions had many substantive presentations that resulted in high level discussions and learning on the part of both countries' delegations in support of the *Canada-China Cooperative Framework* and their compliance as members of the International Labour Organization (ILO) and signatories to the 1998 ILO *Declaration on Fundamental Principles and Rights at Work*.⁴

2) The Forum bridged the normal distance among academics, policy-makers and citizens; and demonstrated that with the help of modern communication and outreach, successful knowledge transfer and collaborative action is useful for international industrial relations dialogue.

(Note: Many Chinese delegates wanted more in terms of the Canadian experience and practical collective bargaining information in order to address their specific needs.)

3) The Forum provided an opportunity for (Chinese) academics and experts to come together to discuss and share ideas with each other in ways that are not normally available to them.

(Note: Many Chinese delegates stated that the Forum was the first occasion they were able to get together with a wide cross-section of other Chinese experts to discuss Chinese employment policy in any extended and lively fashion).

4) The Canada-China Forum generated a cross-cultural engagement of multisectoral participants through an inherent structural tension between national and global interests that both informed and stimulated the discussion.

(Note: Many Chinese and Canadian delegates noted that being required to focus at the level of comparative public policy analysis widened the parameters of the normal debate, and increased the level of intensity and excitement in discussions).

5) Public policy discussions and analysis in the Canada-China Forum cut across national, institutional and disciplinary lines; creating valuable linkages to build on knowledge, and provide a conducive framework for coherent and comprehensive deliberations on public policy.

(Note: Many Chinese and Canadian delegates noted that the Forum opened up new topics and a new channel(s) for participation in the public policy formulation process.)

6) The Forum policy dialogue was enriched by the synergies in both domestic discourses and the sharing of the global marketplace of ideas and best practices. It established links to local and national policy dialogues that allowed for nuanced and cross-cultural discussions.

⁴ See – Appendix I Description of Activities; Appendix II Agenda Notice of Meeting and Appendix V Canada-China Bilingual Agenda.

(Note: Many Canadian delegates commented that the cross-sector and cross-cultural composition of the Forum help to moved them away from the select ‘discipline-centred’ knowledge focus of typical conferences and workshops, and forced them to consider a more ‘collaborative’ knowledge approach to the issues. This is an exciting ‘new lens’ for industrial relations policy)

- 7) The Canadian NGO delegates articulated a facilitative (as opposed to regulatory) role in Canadian employment relations that excite possibilities for duplication in a Chinese context.

(Note: Many Chinese delegates expressed high regard for the pro-activity and versatility of the representatives from the Canadian NGO community, and their service-provider presentations – i.e., e.g., suggesting the possibility of future Canada-China sector cooperation in areas of cross-strategies for programming, and in the improvement of inter-organizational coordination, as well as effective supports and best practice in the areas of internal- and trans-migration populations.)

- 8) Exposure to the different epistemic communities and interpretive perspectives within the national/domestic discourse on employment policy is equally – if not more – important to the enrichment of policy dialogue as is the sharing of international ideas and best practices.

(Note: This would seem to attest to the import of a more ‘collaborative’ knowledge approach to the issues as an exciting new lens for industrial relations and employment policy.)

- 9) Knowledge-based relationships and coalitions for learning facilitate the reciprocity and exchange of ideas on policy issues and new instruments for learning over time about how to develop innovative public policy; and therefore, pave the way for progressive social change.

(Note: Chinese and Canadian delegates were enthusiastic about the opportunity to take part the Forum and the prospect of a future public policy ‘network’ because they offer new venues for participation, as well as increases the numbers of participants in the public policy dialogue – which has implications for increased democratic input in public policy processes and meaningful innovations in governance.)

- 10) *A summary conclusion would suggest that the Chinese delegates learned more from each other than they did from Canadian experiences. While not initially anticipated, this is a highly positive outcome that we can expect will widen the focus and scope of Chinese expertise and broaden the horizon of policy options, going forward. This result strongly supports the goals of the Cooperative Framework and warrants consideration of support and further funding.

Recommended Short- and Mid-Term Activities Arising From the Forum:

- Forum/workshops directed specifically to practical collective bargaining information.
- Sabbaticals for officials in think tanks, universities, foundations, etc.
- Membership of officials on boards of academic and other research institutions
- Internships for researchers and students.
- Professorial and student exchanges with a focus on public policy, and industrial/trade relations.
- In-service professional training regarding research management and evidence-based policy.
- *Twining arrangements, particularly in the NGO sector, but also between government departments and research institutions (e.g., parliamentary fellows; shadowing schemes, etc).

Recommended Mid- and Long-Term Action Arising From the Forum:

- I. ***Promote and facilitate more forums and workshops/events that include multisectoral participation***, offering new opportunities for interested nongovernmental actors to share ideas and take part and make proposals. This broadens the information base and creates awareness of local impediments to resolution implementation; it is conducive to transparency and accountability among officials and other principals; and it fosters the democratization of the employment policy dialogue.
- II. ***Promote and facilitate coalitions of learning, such as the China-Canada Forum*** as an innovative tool, bringing together civil society, private business, international organizations and governments in coalitions for knowledge mobilization and exchange. These issue-based alliances have a flexible structure that can react quickly to the challenges of globalization, evolving with the changing nature of the issue. As coalitions for change they not only bridge the growing distance among policy-makers, citizens, NGOs, employers and unions representatives they also reduce the national government ‘footprint’.
- III. ***Promote and facilitate the use of modern communication and outreach*** in future events and workshops to facilitate successful collaborative knowledge transfer, coalition-building and collaborative action.
- IV. ***Promote and facilitate ‘twining arrangements’ or ‘shadowing schemes’ between community-based NGO’s and the outreach-based NGO’s in Canada.*** One of the significant differences and disparities in the employment integration systems in China and Canada highlighted in the Forum was the relative effectiveness of NGO outreach with vulnerable communities – i.e., they are characterized by their agility and activism in their unique role as a supplement to government services. Canadian NGO outreach at its best can be a useful form of advocacy in areas of social welfare, training, victim support, community awareness, etc.

- V. ***Commission an ‘impact analyses’ to be prepared on the status of Cooperative Framework and international ILO regulation and conditions/obligations.*** This is a basic input to ensure that the counties can make reasoned decisions in the medium and long term.
- VI. ***Build on the partnership success and maintain the momentum of the Canada-China Forum by supporting and funding a multisector learning ‘Canada-China Network’.***⁵

Participants in the Canada-China Forum joined the dialogue hoping to learn from their counterparts in the other jurisdiction and from international institutions about employment standards and policies, in ways that could be translated and applied in their own particular context. This result was consistent with the cross-cultural composition of the Forum. Meanwhile, members of both delegations also expressed enthusiasm regarding interactions with their fellows from their respective countries, as well as those from the other jurisdiction. These two findings likely indicate that the Forum structure provided cross-cultural dividends, and created synergies through the cross-cutting forces of national and global interests, that both informed and intensified the learning experiences of participants on both sides. However, the major success of the Forum is that it served to bring a wide cross-section of Chinese experts and practitioner-specialists together in significant numbers for the first time. It appears the internal cultural discourse increased the excitement of Chinese delegates, intensifying their cross-sector dialogue in a way that significantly deepened comprehension of the domestic issues. While some Chinese delegates expressed their admiration for the proactivity and versatility of the representatives from the Canadian NGO community (and their ‘activist’ service-provider orientation), a summary conclusion would suggest that the Chinese delegates learned more from each other than they did from Canadian experiences. While unexpected, this specific knowledge mobilization is a highly positive outcome that warrants the consideration of continued support for the public policy learning model in industrial relation areas; and the continued pursuit of a networked governance agenda to move countries like Canada and China in progressive directions.

PART I – FINAL NARRATIVE

A) Background and Objectives.

i) Background and Rationale:

The Government of China has been reassessing its national labour and employment policies as it continues to deal with the challenges of its shift from a planned to a market-based economy. Massive privatization and closing down of state-owned enterprises have resulted in the unemployment of millions of workers. A total of 26 million workers have been laid off from state-owned enterprises in the last ten years according to official figures. In the meantime, economic growth of urban economies in China has led to an internal migration unprecedented in human history. As many as 150 million people have moved from the countryside to cities in the past two decades in search of work. These peasants-turned migrant workers are often subjected

⁵ See - Appendix IV – Canada-China Network Template.

to discrimination of all kinds. They experience low and often delayed wages, long working hours, poor working and living conditions, lack of social security and lack of access to education for their children.

While the Government has been preoccupied with the economic growth that will benefit society at large, workers' rights have been badly neglected. Labour disputes, protests and strikes have been a growing challenge. In 2008 alone, there were 295,000 labour dispute cases brought to court, an increase of 95 percent from the previous year. In the same period, the number of cases handled by the country's labour dispute arbitration tribunals reached 693,000. Labour disputes and protests have resulted in increased efforts by the Chinese government to deal with labour issues in order to build a "harmonious society". Three new labour laws aiming at improving labour standards became effective in 2008. The Labour Contract Law includes a mandatory requirement for a written contract to be signed between employers and employees thus providing more protection for workers. The Employment Promotion Law aims at preventing discrimination in employment. The Labour Dispute Mediation and Arbitration Law aims at strengthening both the institution and process of labour dispute resolution so that a fair, effective and accessible labour dispute resolution system can be established.

In the first half of 2010, a wave of widespread labour protests and strikes occurred across China, which has forced the government to react in the absence of a legal framework for dealing with collective industrial actions. Government intervention included calling on employers to improve wages and working conditions in factories and raising the minimum wage across the country. In the meantime, some provincial governments such as Guangdong Province have taken a step forward by drafting *Regulations on the Democratic Management of Enterprises* that, if passed, would allow labour disputes to be resolved through collective bargaining. The successful example of collective bargaining was that in June 2010, strike workers in Honda Nanhai Auto Parts Factory elected their own representatives (as opposed to the official union) to collectively bargain with the management and successfully reached a collective agreement.

China is seeking international expertise to make its transition from a planned to a market-based economy more effective that includes building harmonious industrial relations. One step forward in this regard was China's recent ratification of ILO Convention 111 on Discrimination Employment and Occupation (in 2006) and Convention 155 on Occupational Health and Safety (in 2007). Labour Program's exchanges with China have also indicated that China sees Canada as a developed and industrialized country with valuable experience in labour and would like to learn from the Canadian experience. Following the Chinese Minister of Labour's visit to Canada in 2006, the Canadian and Chinese Ministers of Labour signed a Canada-China Cooperation Framework in the field of industrial relations and labour standards in 2007 and renewed the Cooperation Framework in December 2009 for another three year term. The objective of the Cooperation Framework was to strengthen respect for ILO fundamental labour principles and rights through the development and implementation of industrial relations and labour standards policies and legislation via various means of cooperation and activities that include research and information exchanges and joint workshops and seminars.

The Canada-China Forum on Industrial Relations aimed to provide an opportunity for open dialogue on issues and challenges that China is facing in the area of labour with a particular

focus on employment discrimination, tripartite mechanisms, labour dispute resolution and collective bargaining. It brought together representatives of academia, government, business, labour and NGOs from both countries to exchange information on best practices for improving the workings of industrial relations and labour standards. It sought to establish the foundation for a joint network among Canadian universities, governments, business, union and NGO communities and their Chinese counterparts for future collaborations on industrial relations and labour standards.

ii) Goals and Objectives

Project Goal: To support the objective of the Canada-China Cooperation Framework by strengthening cooperation in the areas of industrial relations and labour standards.

The specific objectives of the project were to:

1. Exchange information and practice on issues of importance in industrial relations and labour standards.
2. Identify best practices and innovative public policies and programs addressing these issues.
3. Prepare sound policy recommendations.
4. Facilitate a successful Canada-China network on labour that includes academia, government, business, union and NGO community.

B) Activities:

The two-day forum comprises both consecutive and concurrent sessions. There were four themes for the forum and subjects of discussion for each theme are listed below.

Theme 1: Employment Discrimination

- Changes of labour and employment legislation in a changing labour market.
- Government policies in the protection of migrant workers
- Employment and working conditions of migrant workers
- Gender discrimination in the workplace (focusing on migrant women workers)
- The role of collective bargaining/collective agreement in addressing workplace discrimination
- Canadian experience: good practice and lessons learned (i.e. employment equity, equal pay, racism-free workplace strategy and initiatives in developing a work/life balance)

Theme 2: Tripartite Mechanisms

- Changes of industrial relations system in China
- Changes of industrial relations system in Canada
- Tripartite mechanism and its role in China
- Tripartite mechanism and its role in Canada
- The future of tripartite mechanism

Theme 3: Labour Dispute Resolution

- Labour dispute resolution in Canada: rights-based and interests-based disputes resolution
- Labour dispute resolution in China: rights-based and interests-based disputes resolution
- Mediation, arbitration and litigation for labour disputes in Canada
- Mediation, arbitration and litigation for labour disputes in China
- Labour dispute resolution: what should government do?

Theme 4: Collective Bargaining

- Collective bargaining in Canada: current situation and future development
- Collective bargaining in China: current situation and future development
- Collective bargaining: prospects and challenges

It was agreed that the YCPPL and the Labour Program would work collaboratively on the selection of Canadian participants to the Forum.

C) Expected Results:

This project was designed to contribute to the recipient country's/countries' national programs for capacity-building or otherwise support capacity-building by:

Intermediate Outcomes:

- Promoting awareness of workers' rights and the importance of the workplace democracy to the building of a constructive industrial relations system and to the effective functioning of the labour market
- Promoting of awareness of new labour law and core labour standards
- Promotion of awareness of migrant workers and women workers' rights
- Examining the role of social dialogue among trade unions and employers in formulating effective employment strategies and labour market policies.
- Examining the role of social partners [i.e., trade unions and the employers (or their representative organizations) engaged in social dialogue] in creating sound industrial relations at the workplace level for better economic performance and job promotion.
- Examining the role of social partners and stakeholders at the local level in formulating and implementing programs and action plans to retain jobs and to reduce the amount of dislocation and its severity on workers, their communities and enterprises
- Examining the role of effective systems of labour dispute resolution for as a preventative and mediation tool for conflicts between labour and management at the enterprise level.
- Examining effective dispute resolution processes and mechanism within the enterprise to mitigate labour disputes and wider social conflict in society-at-large.
- Examining the dynamics of democratic union building.
- Supporting the compliance with Canada's Labour Code and China's Labour Law, Trade Union Law, and Labour Contract Law, which require unions to represent the economic interests of workers through the collective contract system.

- Share information and ideas among and knowledge between specialists, governmental bodies, unions and others about industrial relations and labour standards, and how to advance a national employment agenda through discussion on international experience – lessons learned and good practices.
- Producing a report synthesizing presentations designed to support and contribute to the understanding and elimination of unjust and inhumane labour practices.

Immediate Outcomes:

- Improved understanding of the trends, challenges, issues on industrial relations and labour standards among relevant stakeholders
- Increased dialogue on issues of importance in the area of labour among relevant stakeholders in Canada and China
- Best practices and innovative public policies and programs are identified
- Policy recommendations are put forward taking into consideration of special and sensitive situation in China

Long-Term Outcomes:

- Promoting of awareness of new labour law and core labour standards
- Promotion of awareness of migrant workers and women workers' rights
- Examining the role of social dialogue among trade unions and employers in formulating effective employment strategies and labour market policies.
- Examining the role of social partners [i.e., trade unions and the employers (or their representative organisations) engaged in social dialogue] in creating sound industrial relations at the workplace level for better economic performance and job promotion.
- Joint Canada-China network on labour issues established for on-going exchange and dialogue

PART II – SUMMARY DESCRIPTION OF THE PROJECT

This section of the report will contain a description of the actual activities, including:

- i. Management and organization;
- ii. Description of activities; and
- iii. Stakeholders, their roles and responsibilities.

i) Management and Organization

Sponsors: The Forum was sponsored by York University, Canada and Capital University of Economics and Business, China.

Organizers: York Centre for Public Policy and Law (YCPPL) and the School of Labour Economics of Capital University of Economics and Business (CUEB) were the institutional leaders and organizers of the event. The Forum received its principal funding and generous

assistance from the International Trade and Labour Program, Human Resources Skills Development Canada.

Address: The Canada-China Forum on Industrial Relations was held Beijing Conference Centre, China, No 88, Laiguangying Westroad, Chaoyang District. The Centre is located in the north part of the city very near the Beijing Capital Airport and the Olympic site. The Canadian delegation and Chinese delegates who travelled from outside Beijing stayed at the hotel at the conference centre. This Forum was jointly sponsored by York University, Canada and Capital University of Economics and Business.

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Student Participation

Students from Capital University participated as volunteers as well as attended the presentations. The significance of this is that Chinese students were able to interact with international scholars. This introduced students to new concepts, and prompted animated discussion of employment and labour issues, in a context that has not (up until that time) been presented as an option.

What really resonated with students was being introduced to how Canadians go about dealing with social issues, such as NGO involvement in the labour process. They could integrate this Canadian-international experience into a Chinese context.

ii. Description of activities

Synthesis of the Forum Presentations

Forum Themes

- 1) *Labour relations and labour issues.*
- 2) *Collective bargaining and collective consultation*

Chinese delegates asserted that the currency of the collective bargaining in China is growing, but the country actually lacks an authentic bargaining process. It was observed, collective bargaining is basically an 'order issue' by a higher process. In this view, features of labour relations in China are similar to an actual tripartite relationship – of employee/ trade union/ government/ employer (with trade unions representing employees). But, in reality, the employees are not really included – they are left in the hands of the state-controlled unions under the umbrella of the All-China Federation of Trade Unions (ACFTU).

As a country in transition, China's capacity to harness employment relations is a key element in improving enterprise competitiveness and performance. In order to maintain worker support and influence at enterprise level, it will be necessary to build and maintain an active workplace union organization. However, the ACFTU has a monopoly on trade unionizing in China and the creation of competing unions is illegal. Contemporary labour law in China is forcing most companies – including most foreign owned ones – to create an ACFTU chartered trade union within them. Consequently, it is the sole national trade union federation of the People's Republic of China. As a tool of the government, ACFTU has been seen as not acting in the best interest of its members (workers), bowing to the government pressure on industry growth and not defending workers' rights. Hence, many delegates and other analysts/observers (including the International Confederation of Free Trade Unions, among others) maintain the position that the ACFTU is not an independent trade union organization.

Members of the Chinese delegation asserted that the lack of a significant 'labour' voice at both enterprise and national levels allows employers to routinely impair the legal rights of labourers – by terminating labour contracts; by eliminating provisions for overtime; and through poor labour conditions. In the Chinese view, the relationship between employer and employees has been prominent in terms of conflict between individual relations and collective bargaining relationships. It is predicted that labour relations will undergo increasing conflict moving forward as the demand for a more diversified labour force increases; and there is a corresponding demand by the new labour force for an increased sense of collective legal rights. Chinese delegates called for benchmark mechanisms and a clear time-table for the improvement of the standard employment contract. In this view, building of harmonious relationships in Chinese society will depend upon the shift in focus from a purely economic growth model to a more balanced one that addresses such social issues as the gap between rich and poor, widespread environmental degradation, government and corporate corruption, and (above all) worker satisfaction – including, 1) standardizing wages 2) improving people living conditions 3) improving health and safety standards, and 4) expanding / increasing the domestic focus.

The employment policy dilemma in China is often formulated by researchers and analysts in terms of a dichotomy between worker desire for collective bargaining and the political resistance to free trade unions. The competitive pressures exerted by globalization are resulting in greater emphasis being given to improved workplace relations (through increased bipartite and tripartite consultation and cooperation) and higher level contributions to enterprise performance from workers. With China's newly found position there is the urgent need for a market-based labour relations module to figure out how employees/unions can create a partnership in a transparent and fair system. The current emphasis on building strong bilateral relations between managers and workers/trade unions in China is focused on improving industrial relations by institutionalize worker-involvement in decision-making through legislation requiring, among other things, the setting up of labour-management committees, which have not worked entirely satisfactorily. A critical issue will be the extent to which trade unions can increase their profile and influence through this process in order to give them voice, and help them influence the way in which agendas are designed.

Chinese delegates of the Canada-China learning network consistently asserted that achieving and maintaining high levels of economic productivity is counter intuitive to China's traditional

employment practice. Being ‘globalization ready’ in China in the coming decades is likely to require increased opportunities for Chinese worker involvement in decision-making, and a more democratic and independent representation for the workforce than currently exists.

The deepening imbalance between labour supply and labour demand in the context of economic globalization needs to be overcome by massive investment in human resource development, the expansion and upgrading of vocational training, by fostering flexible forms of employment and promoting labour mobility, while improving the provision of employment services and strengthened job creation capacity in order to guarantee basic living and ‘decent’ work for all.

A supporting fiscal policy for sustainable employment growth includes:

1. Intensification of economic reforms and employment promotion
2. Promotion of entrepreneurship and job creation
3. Effective social dialogue and labour market governance
4. Improving knowledge and skills for employment in a knowledge-based economy
5. Labour market policies for an integrated labour market
6. Assisting laid-off workers; Supporting migrant workers (*Mobilizing community initiatives* (modeled on Canada’s effective NGOs); Improving information systems; Strengthening labour market institutions; Need for monitoring and evaluation of labour market programs)
7. Corporate social responsibility and enterprise restructuring
8. Social security and employment promotion
9. Safety at work, safe environment and employment
10. Legislative/facilitative instruments of equity and inclusivity

Required policy responses that include:

- Broader mandate of tripartite consultative arrangements
- Social dialogue on broader social and economic policy a issue that allow and thrives on constructive divergences
- Economic restructuring and employment promotion – through stimulation of both labour-intensive and high-tech industries and the promotion of small and medium-sized enterprises in order to strengthen their job creation capacity;
- Mobility policies based on developmental criteria, promoting job creation in rural areas and employment services for rural workers moving in search of urban jobs;
- Synergetic interaction of legislation and representative industrial relations
- Collective bargaining and workplace governance

The global workplace remains potentially volatile and unpredictable without comprehensive workplace inclusion strategies and instruments directed to improving the flexibility and skills of the workforce, increasing the emphasis on communication, cooperation and trust between managers, workers and their representatives. Moreover, the embedding of an effective and reliable regime for worker’s employment rights will also require action in the areas of policy, institutions, and workplace practices and associated capacity building. A re-examination of the roles of government and the social partners and of the relevance and scope of employment laws

and other rules and practices will be necessary to acknowledge the realities of a more decentralized workplace environment, and the need for the norms of the system to move away from a regulatory, to an increasingly facilitative, role, while still providing appropriate protections for workers. A renewed commitment to tripartite action and a greater emphasis on bilateral relations will be critical in realizing these changes.

Forum Themes

- 3) *Addressing employment discrimination.*
- 4) *Labour standards in the workplace.*

Throughout the learning experience of Canada-China Forum, Canadian and Chinese Exceptionalism remained in tacked, and there was no substantial transference of policy solutions and implementation across the two countries. Globalization has international industrial dimensions which require local (or culturally specific) adaptations.

This is consistent with the major (and unexpected) outcome of the Forum with respect to the linkage between democratic knowledge mobilization and representations of good governance. As mentioned earlier, Canada-China learning network experience was not characterized by a significant increase in the sharing of information and best practices between countries, but rather among the distinctive interpretive and epistemic communities within both countries.

For instance, the Conference Evaluation responses and other anecdotal indicators among Chinese delegates suggest that the Forum represented the first occasion where all of the Chinese experts from across the country have had the opportunity to come together to discuss Chinese employment policy in any extended deliberation. In this respect, the learning network yielded positive results in terms of knowledge mobilization and transfer, even though the strength of the transfer of knowledge was predominantly confine to a local base.

The impact of globalization is theorized through the particularity of national and cultural circumstances, but the topic of good governance remains the same.

For instance, in the Chinese context strong unions are often seen as collective mechanisms for the protection and fulfillment of workers; while in the Canadian context strong unions are often considered an impediment to the actualization of individual potential in the workforce.⁶ So, whereas unions tend to be theorized in China as a solution to the integration challenges of globalization, in Canada they are often theorized as the problem; reflecting a different cultural focus between collective rights versus individual rights. At the same time, in the Chinese and Canadian context, the good governance principles of sound economic policy in the global market place are dependent on integrating ‘the social’ and ‘the productive’ through democratic employment principles and practices.

⁶ We can note further that this is consistent with the literature on economic globalization documentmenting evidence in Canada and other countries regarding the decline in unionism and erosion of traditional patterns of bargaining and workplace norms (see – Chaykowski, R., Giles, A. 1998. “Globalization, Work, and Industrial Relations.” *RelationsIndustrielles/Industrial Relations*. 53:1:3-12; Yaw A. Debrah, Ian G. Smith. 2002. *Globalization, Employment and the Workplace: Diverse Impacts*. New York: Routledge).

It was also recurrently acknowledged by Canadian and Chinese delegates that in coping with contemporary labour market challenges in either country, ensuring the enforcement of the relevant laws has been found to be insufficient. Legislation often does not have detailed, ready-made provisions for complex situations. In addition to a strong legislative regime (which both countries now have), it is essential that an industrial relations policy framework has the capability to work through institutions, programs and practices that embrace workplace inclusion/integration strategies and instruments. Building national institutions that reconcile conflicts, increase social cohesion and stimulate a brisk and steady pace of productivity growth diminishes the risk of political instability at home interacting with volatile international capital markets to create unmanageable economic shocks.⁷ As stated in the global employment agenda of the ILO, “[In] a world where the opening up of national economies to global markets challenges the policy sovereignty of nation states, full and meaningful social dialogue enlarges the capacity of countries to choose their own path towards sustainable pro-poor growth.”⁸

Balancing ‘the social’ and ‘the productive’ through instruments of collective bargaining and social dialogue is an important part of such a policy framework.

The Balancing of the Social and the Productive in China

Dependent Variable

- 1) Decent Work
- 2) Equal Employment Opportunities For All

Independent Variable

- 1) Social Dialogue [Tripartite Relations]
- 2) Collective Bargaining/Consultation

Social dialogue and collective bargaining are theorized as the primary best practices in redressing the local balance of power between Chinese ‘capital’ and ‘labour’, linking productivity and equitable participation. Social dialogue and collective bargaining redress the balance of power between ‘capital’ and ‘labour’ by strengthen respect for Chinese workers fundamental labour principles and rights through the development and implementation of industrial relations policies that support fair and stable workplaces and contribute to improved working conditions and living standards for workers. This mutual labour relations challenge is not merely a matter of generating income. People’s work means more to them than adequate income. At work, whether in wage employment or self employment, people experience fairness or unfairness, and their voice may be heard or ignored. In the context of shared ILO principles the fair treatment and dignity to which people aspire in employment, must be assured if there is to be decent work.⁹ Moreover, sound employment policies based on instruments of fairness and

⁷ An Employment Agenda for China. <http://www.ilo.org/public/english/chinaforum/download/original.pdf>, 2004, pp.52.

⁸ An Employment Agenda for China. <http://www.ilo.org/public/english/chinaforum/download/original.pdf>, 2004, pp.52.

⁹ See – Decent Work Agenda, ILO, <http://www.ilo.org/global/about-the-ilo/decent-work-agenda/lang--en/index.htm> 2004.

inclusive citizenship is both a competitive advantage and a tool for preventing the proliferation of labour disputes and wider social conflict.¹⁰

The Balancing of the Social and the Productive in Canada

Dependent Variable

- 1) Decent Work
- 2) Equal Employment Opportunities For All

Independent Variable

- 3) Inclusivity Instruments [Employment Equity/ Affirmative Action]
- 4) Human Rights Commission/ Workplace Safety and Insurance Board/ Workplace Compensation Board

In the shared tension between capital and labour, efficiency and equity, sound employment policies must include constructive social dialogue. Giving people voice through social dialogue is an effective process for generating sustainable solutions to conflicts of interest at the workplace. In the words of the ILO's Discrimination (Employment and Occupation) Convention, 1958 (No. 111), a labour market that is free from discrimination in respect of race, colour, sex, age, religion, political opinion, national extraction or social origin, and that guarantees freedom of choice of employment is one where more productive job matches can be made. Finding the best ways to give expression to these basic workers rights is recognized by members of the Canada-China public policy network as an important cornerstone of China's employment policy in line with the ILO's Employment Policy Convention, 1964 (No.122), which China has ratified. In this context, the promotion of equality at work, involves balancing the social and the productive through democratic employment principles and practices.

The overall dispositional findings of the Forum strongly indicate and support workplace fairness and inclusion strategies, particularly in the areas of collective bargaining and social dialogue, as central to the dynamism and synergy required for an integrated labour market and a productive economy. Strong analytic intersections from both the Canadian and Chinese delegations occurred and were organized around issues of fairness and inclusive citizenship – connecting workers to citizenship, and connecting employment to rights – and recommended that these intersections must be considered important parts of any sound industrial relations policy framework.

iii. Stakeholders, their roles and responsibilities.

The Forum received its principal funding and generous assistance from the International Trade and Labour Program, Human Resources Skills Development Canada, with additional support from the York Centre for Public Policy and Law, York University, Toronto, Canada and the Capital University of Economics and Business, Beijing, China.

Principal Investigators, Professor Lorne Foster and Professor Leslie Jacobs received a grant in the amount of \$100,000 for Technical Assistance and Foreign-Based Cooperative Activities to

¹⁰ See – OECD Report, *China in the world economy: The domestic policy challenges*, OECD, Paris, 2002.

develop or deliver activities, projects or programs to help improve the capacity of a receiving country or countries to meet their obligations under a given Labour Cooperation Agreement, or other international labour obligations. The terms of the said GRANT AGREEMENT Under the International Trade and Labour Program (ITLP) – Grants for Technical Assistance and Foreign-Based Cooperative Activities Stream are outlined in Between HER MAJESTY THE QUEEN IN RIGHT OF CANADA (hereinafter referred to as “Canada”) as represented by the Minister of Labour and York University (Recipient); and the SUBGRANT AGREEMENT AMENDMENT (26th day of May, 2011). The funds were dedicated in their entirety to the project and administered through the York University institutional accounting system for tracking purposes.

In order to maintain effective communication lines during the planning and reporting stages between the YCPPL and the Labour Program, the Principle Investigators from York University, Dr. Lorne Foster and Dr. Lesley Jacobs, worked closely with Ms Irene Zhou, a Senior Policy Analyst/ Analyste principale des politiques International Labour Affairs/Affaires internationales du Travail, Labour Program/Programme du Travail, HRSDC/RHDCC. Ms Zhou, Senior Program Analyst from the International Trade and Labour Program also served as a valuable contributing member of the Canadian Delegation. In addition, Debra Young, Director General, International and Intergovernmental Labour Affairs, Government of Canada was a member of the Canadian Delegation.

The three primary partners in this initiative, the Government of Canada (International and Intergovernmental Labour Affairs, Capital University of Economics and Business (CUEB, Beijing) and the York Centre for Public Policy and Law (York University, Toronto) worked together to design a program entitled Canada-China Forum on Industrial Relations and Labour Employment (the Forum) that encouraged learning for participants, presenters and hosts alike. The York Centre for Public Policy and Law (YCPPL) has a mandate to facilitate interdisciplinary and collaborative research on a wide range of matters related to public policy and law, and to link this research to government agencies, NGOs, citizen advocacy groups, and nonprofits in Canada and internationally that could benefit from the practical applications of that research. The Centre emphasizes the development of innovative solutions to serious problems facing public policy, public administration, public law, and other policy and law issues, recognizing that effective advances often include an integrated approach to law, policy and administration.

The Capital University of Economics and Business (CUEB) in Beijing was originally created and sponsored by the Chinese Ministry of Labour (currently the Ministry of Human Resources and Social Security) during the 1950s and 1960s. Its School of Labour Economics at CUEB has both a Department of Industrial Relations as well as a Research Centre of Industrial Relations. The School of Labour Economics has maintained a close relationship with this government department for more than 50 years, in the fields of labour relations, employment, HRM and social security. Because of this history, the School of Labour Economics, through the Research Centres of Labour Economics and Labour Relations, has and continues to play an important role in constructing institutions for the labour market in China. Its researchers and teachers have been invited to draft the labour Laws and labour policies at different levels, such as Labour Law

(1994), Labour Contract Law (2007), Employment Promotion Law (2007) and Social Security Law (2010).

In conjunction with Capital University of Economics and Business (CUEB), our primary academic partner, the Canada-China Forum on Industrial Relations initiative falls within the York Centre for Public Policy and Law (YCPPL) mandate and expertise. Both institutions are experienced in collaboration and cooperative scholarship, and we created a detailed program agenda to guide our activities and events.

As primary partners in the initiative, YCPPL and CUEB constructed the project/activity of the Forum in conjunction with, and in support of Canada and China in observance of their bilateral labour cooperation agreement and other international obligations in three ways:

1) In meeting obligations arising from the “*Cooperation Framework Between The Labour Program Of Human Resources And Skills Development Canada And The Ministry Of Human Resources And Social Security Of The People’s Republic Of China In The Field Of Industrial Relations And Labour Standards*” by:

- Supporting the Cooperation Framework goal of strengthening and increasing cooperation in the areas of industrial relations and labour standards.
- Supporting the Cooperation Framework goal of improved working conditions and living standards for workers in their respective countries.
- Promoting the Cooperation Framework’s agreed “Means of Cooperation and Activities” including:
 - (a) Joint short term studies;
 - (b) Joint forum and workshops;
 - (c) Research and information exchange; and
 - (d) Initiation of exchange visits of experts and senior officials.
 - (e) Exchange visit of experts and senior officials.
- Supporting the national laws and regulations to protect the rights and interests of workers – including Canada’s Labour Code and Employment Equity Legislation and Agreements; and China’s Trade Union Law, and Labour Law, Production Safety Law, Provisions on Collective Contracts, and the Labour Contract Law.
- Supporting the national governments of Canada and China’s other legislative efforts – such as Canada’s anti-discrimination and harassment laws and policies and China’s Employment Promotion Law and Arbitration Law – all designed to ease the exploitation of the workforce and enhance the protection of their rights.

...

2) The project/activity was intended to help the national governments of Canada and China to meet obligations arising from some international instruments other than a labour cooperation agreement by:

- Promoting and reinforcing an understanding of the right to collectively bargain as recognized through international human rights conventions, and Article 23 of the Universal Declaration of Human Rights which identifies the ability to organize trade unions as a fundamental human right.
- Promoting equal remuneration for men and women for work of equal value, as provided for in the Equal Remuneration Convention, 1951 (No. 100), already ratified by China and Canada.
- Highlighting other international labour standards and conventions, treaties and recommendations for “best practice” designed to eliminate unjust and inhumane labour practices.

...

3) The project/activity was intended to help support the recipient country’s/countries’ compliance with the fundamental labour standards and principles set by the International Labour Organization by:

- Supporting Canada and China compliance as members of the International Labour Organization (ILO) and signatories to the 1998 ILO *Declaration on Fundamental Principles and Rights at Work*, which defines the “freedom of association and the effective recognition of the right to collective bargaining” as an essential right of workers.”
- Support Canada and China’s compliance with the principles of the ILO, which advocates international standards as essential for the eradication of labour conditions involving “injustice, hardship and privation.”
- Support Canada and China’s compliance with the goals of the ILO, to promote international labour standards that contribute to the possibility of lasting peace, help to mitigate potentially adverse effects of international market competition, and help the progress of international development.

PART III – ANALYTICAL REVIEW OF THE PROJECT

This section of the report will address the following issues and offer comments and/or recommendations for similar projects in the future:

i. Project rationale and justification;

Canada and China are members of the International Labour Organization (ILO) and are committed to respect, promote and realize the 1998 ILO Declaration of Rights and Principles at Work. It is against the backdrop of this shared commitment to fundamental labour principles and rights that the *Cooperation Framework* in the field of industrial relations and labour standards was established acknowledging the cooperative relationship that exists between Canada and China, and their desire to strengthen and increase cooperation and strengthening the relationship

between the two countries. The main objective of the Canada-China Forum on Industrial Relations was to identify from both national and international perspectives on the key employment and labour market challenges that Canada and China face today and thus to inform and contribute to the debate and public policy discussion regarding adequate response to these challenges. Clearly a single Forum cannot reflect fully the richness and diversity of China's recent experience. Its main purpose is to flag the issues, which need attention of policy makers taking into account international developments and social concerns.

China's economy has evolved into one of the most important economies in the world. Rapid economic success and growth has made market reforms more and more necessary, resulting in both the restructuring of state-owned enterprises, and the official acceptance of private business. With the shift from a planned to a market-based economy, massive privatization has been accompanied by precarious labour conditions, and the closing down of state-owned enterprises have resulted in the unemployment of millions of workers. The wave of factory shutdowns together with increased rising worker awareness from recently enacted laws has led to a surge in protests, strikes and labour disputes coming before the courts.

According to 2008 statistics from the All-China Federation of Trade Unions (ACFTU), 40 percent of private-sector employees lack labour contracts. An ACFTU survey in 2009 found that 14.4 percent of workers were owed back pay, 10.3 percent higher than in 2007, and that 60.2 percent of workers worked overtime. Among them, those in labour-intensive and private enterprises worked an average of 51.8 and 53.16 hours per week respectively, but 37.6 percent of the workers had not received overtime pay in full. In addition, official government figures indicate that a total of 26 million workers have been laid off from state-owned enterprises in the last ten years. This massive displacement of people has led to an unprecedented wave of migrant workers to many urban centres who are often subject to discrimination in the areas of wages, working hours, health and safety conditions, housing and access to education for their children, the violation of workers legitimate rights, and illegal employment.

Due to poor working conditions, weak or absent social safety nets and massive lay-offs, labour disputes increased eightfold between 1994 and 2001. Meanwhile, media reports indicate that labour disputes have significantly increased in more recent years, in the wake of the global financial and economic crisis. A rash of factory strikes in 2010, most notably at manufacturing plants that make parts for Japanese cars, has cast a spotlight on working conditions in manufacturing hubs along China's coast. These labour disputes and protests have resulted in increased efforts by the Chinese government to deal with labour issues in the context of the communist party vision a "harmonious society" (*hexie shehui* 和谐社会). As a result, three new labour laws aiming at improving labour standards came into effective in 2008. The Labour Contract Law provides for a mandatory written contract to be signed between employers and employees and promotes the role of unions in negotiating collective agreements. It protects workers from being dismissed without cause. The Employment Promotion Law aims at promoting employment and prohibits job discrimination. The Labour Dispute Mediation and Arbitration Law streamlines the system of arbitration and lawsuits by: strengthening both the institution and process of labour dispute resolution; to achieve labour settlements fairly and in a timely manner; to lower the burden on employees when safeguarding their legal rights; and to simplify the settlement process for labour disputes.

Some research suggests that new legislative advances are timely and well positioned within China's legislative landscape. After three decades of growing tension between labour and management, and in a wave of widespread labour protests for wage increases in China, both the Chinese leadership and ordinary people from all walks of life can sense an impending social and economic disaster. Workers now stage strikes and protest publically in an effort to have the government intervene. In the first half of 2010, frustration reached a crisis level with the suicide of ten young workers with the Taiwanese electronics giant Foxconn in Shenzhen, who jumped to their deaths from their dormitories. These tragic incidents, together with strikes at the Honda parts plant in Guangdong, triggered worker protests across China. Chinese government officials quickly called on employers to improve salaries and working conditions and local governments raised the minimum wage.

In reaction, the Guangdong provincial government responded proactively by drafting legislation that would allow labour conflicts to be resolved peacefully within enterprises, without the need for government intervention. The provincial Regulations on the Democratic Management of Enterprises (广东省企业民主管理条例) would create a legally-binding mechanism that provides workers with the right to demand and negotiate for pay increases with management, and to demand talks with management on wages and work conditions. These Regulations signal that a discussion on the formation of grass-roots based, democratically elected trade unions and the development of collective bargaining, is timely.

The Canada-China Forum on Industrial Relations forum provided an opportunity for open dialogue on issues and challenges that Canada and China are facing in the area of labour and employment with particular focus on discrimination in employment and the workplace; democratic employment principles and practices for the workplace, and approaches to addressing conflict through dispute resolution. The Forum also provides an opportunity to consider how the respective roles of the state authorities, workers' and employers' organizations could adapt to better reflect the opening of the economy to market forces and the experience of other countries in applying the ILO Declaration on Fundamental Principles and Rights at Work endorsed by the Chinese government.

ii. Planned and achieved goal and objectives;

The Canada-China Forum Planned Goals:

1. Interaction of international academics, government officials and workplace stakeholders;
2. Research and information exchange;
3. Sharing of Canadian experience and knowledge of labour relations for consideration in the Chinese context;
4. Joint workshop;
5. Initiating exchange visits of experts and senior officials.
6. Publication of Canadian and Chinese papers.

The Canada-China Forum Achieved Goals

1. International academic, government and practitioner exchange, providing direct Canadian experiences (academics, government officials, combined with a frontline knowledge and expertise that goes beyond academic discourse)
2. Face to face contact with Canadian academics and practitioners was well received by Chinese counterparts and this was reflected in the animated discussions at workshops, over lunch and outside the conference forum and facilities
3. The joint workshops involved knowledge exchanges that also revealed eagerness on the part of both delegations to learn about experiences and share experiences, practices and knowledge of resources.
4. Canadians walked away with the appreciation of the extent to which the Chinese counterparts were willing and able to educate them about the Chinese experience. This lent to greater insight into the extent of China's industrial relations problems, which better equipped Canadian participants to see how Canada can assist them to find ways of remedying the situations, and provide the kind of assistance that China seems to be seeking.
5. Basis for future networking and engagement between Canadian and Chinese stakeholders in industrial relations.
6. The complete collection and publication of Canadian and Chinese papers is in process.

iii. Detailed final report on achievement of results (at output, outcome and impact levels) vs. planned results;

Delegates in the Canada-China Forum joined the public policy dialogue on industrial relations and employment standards hoping to learn from their counterparts in the other jurisdiction and from international institutions about employment policies and practices, in ways that could be translated and applied in their own particular context. This result was consistent with the cross-cultural composition of the Forum. Meanwhile, members of both delegations also expressed enthusiasm regarding interactions with their fellows from their respective countries, as well as those from the other jurisdiction. These two findings likely indicate that the Forum structure provided cross-cultural dividends, and created synergies through the cross-cutting forces of national and global interests, that both informed and intensified the learning experiences of participants on both sides. However, the major success of the Forum is that it served to bring a wide cross-section of Chinese experts and practitioner-specialists together in significant numbers for the first time. It appears the internal cultural discourse increased the excitement of Chinese delegates, intensifying their cross-sector dialogue in a way that significantly deepened comprehension of the domestic issues. While some Chinese delegates expressed their admiration for the proactivity and versatility of the representatives from the Canadian NGO community (and their 'activist' service-provider orientation), a summary conclusion would suggest that the

Chinese delegates learned more from each other than they did from Canadian experiences. While unexpected, this active knowledge mobilization is a highly positive outcome that warrants the consideration of continued support for the public policy learning model in industrial relation areas; and the continued pursuit of a networked governance agenda to move countries like Canada and China in progressive directions.

Significant Findings and Conclusions of the Forum:

- 1) The Forum plenary sessions had many substantive presentations that resulted in high level discussions and learning on the part of both countries' delegations in support of the *Canada-China Cooperative Framework* and their compliance as members of the International Labour Organization (ILO) and signatories to the 1998 ILO *Declaration on Fundamental Principles and Rights at Work*.¹¹
- 2) The Forum bridged the normal distance among academics, policy-makers and citizens; and demonstrated that with the help of modern communication and outreach, successful knowledge transfer and collaborative action is useful for international industrial relations dialogue.

(Note: Many Chinese delegates wanted more in terms of the Canadian experience and practical collective bargaining information in order to address their specific needs.)

- 3) The Forum provided an opportunity for (Chinese) academics and experts to come together to discuss and share ideas with each other in ways that are not normally available to them.

(Note: Many Chinese delegates stated that the Forum was the first occasion they were able to get together with a wide cross-section of other Chinese experts to discuss Chinese employment policy in any extended and lively fashion).

- 4) The Canada-China Forum generated a cross-cultural engagement of multisectoral participants through an inherent structural tension between national and global interests that both informed and stimulated the discussion.

(Note: Many Chinese and Canadian delegates noted that being required to focus at the level of comparative public policy analysis widened the parameters of the normal debate, and increased the level of intensity and excitement in discussions).

- 5) Public policy discussions and analysis in the Canada-China Forum cut across national, institutional and disciplinary lines; creating valuable linkages to build on knowledge, and provide a conducive framework for coherent and comprehensive deliberations on public policy.

¹¹ See – Appendix I Description of Activities; Appendix II Agenda Notice of Meeting and Appendix V Canada-China Bilingual Agenda..

(*Note*: Many Chinese and Canadian delegates noted that the Forum opened up new topics and a new channel(s) for participation in the public policy formulation process.)

- 6) The Forum policy dialogue was enriched by the synergies in both domestic discourses and the sharing of the global marketplace of ideas and best practices. It established links to local and national policy dialogues that allowed for nuanced and cross-cultural discussions.

(*Note*: Many Canadian delegates commented that the cross-sector and cross-cultural composition of the Forum help to moved them away from the select ‘discipline-centred’ knowledge focus of typical conferences and workshops, and forced them to consider a more ‘collaborative’ knowledge approach to the issues. This is an exciting ‘new lens’ for industrial relations policy)

- 7) The Canadian NGO delegates articulated a facilitative (as opposed to regulatory) role in Canadian employment relations that excite possibilities for duplication in a Chinese context.

(*Note*: Many Chinese delegates expressed high regard for the pro-activity and versatility of the representatives from the Canadian NGO community, and their service-provider presentations – i.e., e.g., suggesting the possibility of future Canada-China sector cooperation in areas of cross-strategies for programming, and in the improvement of inter-organizational coordination, as well as effective supports and best practice in the areas of internal- and trans-migration populations.)

- 8) Exposure to the different epistemic communities and interpretive perspectives within the national/domestic discourse on employment policy is equally – if not more – important to the enrichment of policy dialogue as is the sharing of international ideas and best practices.

(*Note*: This would seem to attest to the import of a more ‘collaborative’ knowledge approach to the issues as an exciting new lens for industrial relations and employment policy.)

- 9) Knowledge-based relationships and coalitions for learning facilitate the reciprocity and exchange of ideas on policy issues and new instruments for learning over time about how to develop innovative public policy; and therefore, pave the way for progressive social change.

(*Note*: Chinese and Canadian delegates were enthusiastic about the opportunity to take part the Forum and the prospect of a future public policy ‘network’ because they offer new venues for participation, as well as increases the numbers of participants in the public policy dialogue – which has implications for increased democratic input in public policy processes and meaningful innovations in governance.)

- 10) *A summary conclusion would suggest that the Chinese delegates learned more from each other than they did from Canadian experiences. While not initially anticipated, this

is a highly positive outcome that we can expect will widen the focus and scope of Chinese expertise and broaden the horizon of policy options, going forward. This result strongly supports the goals of the Cooperative Framework and warrants consideration of support and further funding.

Recommended Short- and Mid-Term Activities Arising From the Forum:

- Forum/workshop directed specifically to practical collective bargaining information.
- Sabbaticals for officials in think tanks, universities, foundations, etc
- Membership of officials on boards of academic and other research institutions
- Internships for researchers and students.
- Professorial and student exchanges with focus on public policy, and industrial/trade relations.
- In-service professional training regarding research management and evidence-based policy.
- *Twining arrangements, particularly in the NGO sector, but also between government departments and research institutions (e.g., parliamentary fellows; shadowing schemes, etc).

Recommended Mid- and Long-Term Action Arising From the Forum:

- I. ***Promote and facilitate more forums and workshops/events that include multisectoral participation***, offering new opportunities for interested nongovernmental actors to share ideas and take part and make proposals. This broadens the information base and creates awareness of local impediments to resolution implementation; it is conducive to transparency and accountability among officials and other principals; and it fosters the democratization of the employment policy dialogue.
- II. ***Promote and facilitate coalitions of learning, such as the China-Canada Forum*** as an innovative tool, bringing together civil society, private business, international organizations and governments in coalitions for knowledge mobilization and exchange. These issue-based alliances have a flexible structure that can react quickly to the challenges of globalization, evolving with the changing nature of the issue. As coalitions for change they not only bridge the growing distance among policy-makers, citizens, NGOs, employers and unions representatives they also reduce the national government 'footprint'.
- III. ***Promote and facilitate the use of modern communication and outreach*** in future events and workshops to facilitate successful collaborative knowledge transfer, coalition-building and collaborative action.
- IV. ***Promote and facilitate 'twining arrangements' or 'shadowing schemes' between community-based NGO's and the outreach-based NGO's in Canada.*** One of the

significant differences and disparities in the employment integration systems in China and Canada highlighted on the Forum was the relative effectiveness of NGO outreach with vulnerable communities – i.e., they are characterized by their agility and activism in their unique role as a supplement to government services). Canadian NGO outreach at its best can be a useful form of advocacy in areas of social welfare, training, victim support, community awareness, etc.

- V. ***Commission an ‘impact analyses’ to be prepared on the status of Cooperative Framework and international ILO regulation and conditions/obligations.*** This is a basic input to ensure that the counties can make reasoned decisions in the medium and long term.
- VI. ***Build on the partnership success and maintain the momentum of the Canada-China Forum by supporting and funding a multisector learning ‘Canada-China Network’.***¹²

iv. Lessons learned from the Project, both developmental and managerial;

1. Western universities operate on the basis of standard accounting procedures that are not applicable in Chinese context. There is a different understanding of how funds can be processed based on different university cultures. It would have been helpful to have a process in place to facilitate a smoother international transference of funds.
2. Chinese hosts do not have access to the kinds of resources that are available in Canada. Yet they went to considerable lengths to ensure that all aspects of the project ran smoothly – this included make certain that accommodation, meals, and transportation was of all of high standard.
3. Working together, actors from all sectors, need to adapt and to set aside old prejudice in order to work effectively and to provide the legitimacy networked governance is predicated upon.
4. Communication – and cultural appropriateness – for example, it was very important for Chinese counterparts to have a venue that reflected the status of the conference – this created some complications with accommodations, travel arrangements, pick-up to-and-from airport etc.
5. A significant number of Chinese students and academics have international experience and this is a new development. This makes it easier to have future partnerships moving forward.
6. Some Canadian delegates were initially anxious that information on accommodations was not provided as promptly as they would have liked in order to facilitate their travel arrangements. As with any international event it is best when possible to have dedicated administrative specialists on the ground.

¹² See - Appendix IV – Canada-China Network Template.

7. Our expectation was that the conference would take place at the university, with accommodations at or near the conference. The conference took place a significant distance from the university and/or transportation.
8. An appropriate time allotment for questions and audience participation is optimum for fuller discussions for engaged participants.
9. The Chinese are open and receptive to positive dialogue about industrial relations, including from a human rights perspective.
10. Chinese are particularly interested in how labour rights and human rights could be utilized to respond to foreign-owned firms, like Toyota, about labour disputes.
11. The Chinese participants were more aware of Western industrial relations models than was anticipated.
12. The Chinese were impressed by presentations on NGO sectors and Administrative Tribunal impacts on labour relations; these are aspects of the Canadian system that fall outside of the standard industrial relations study/discourse.
13. Chinese delegates expressed their admiration for the proactivity and versatility of the representatives from the Canadian NGO community and their 'activist' service-provider orientation – i.e., e.g., suggesting the possibility of future Canada-China sector cooperation in area of cross-strategies for programming, as well as improvement of inter-organizational coordination, and effective supports and best practice in the areas of internal migration and transmigration populations, etc.
14. The introduction of Chinese graduate student participation and exposure to new concepts prompted animated discussions of employment and labour issues, in a form that allowed for the integration of Canadian-international experience into a Chinese context.
15. *The Canada-China Forum provided an opportunity for (Chinese) academics and experts to come together to discuss and share ideas with each other in ways that are not normally available to them.
16. *A summary conclusion would suggest that the Chinese delegates learned more from each other than they did from Canadian experiences. While unexpected, this positive outcome warrants consideration of continued support of the collaborative public policy learning model in industrial relation areas.

v. Political considerations;

1. Canadian researchers, professionals and practitioners participating in projects with China must understand political sensitivities. This was not a problem with any Canadian

participants in the Canada-China Forum, who all understood and respected Chinese Exceptionalism ('made in China' solutions)

2. Canadian researchers, professionals and practitioners have to understand and acknowledge the Chinese sense of propriety and social decorum in all interactions with Chinese hosts. This applies in every institutional structure and organizational function regardless of interactions with senior officials or volunteers.
3. The forum had a virtue of being arms length from both the Chinese and Canadian governments. By having it organized by two universities gave it more of a sense of commitment to understanding industrial relations in both countries and policy development.

vi. Analysis of scheduling, difficulties encountered (if any) and remedial actions taken;

- Individuals in the Canadian delegation arranged their own flights and there were no (or minor) difficulties reported in regard to arrivals and departures.
- The accommodations and the food were very good.
- The chief complaint was the conference facilities were quite a distance from the downtown area.
- The prolonged period to make a decision about the grant combined with the shortened time to organize the conference generated scheduling difficulties (speaker availability, visa procession, etc.)
- The Chinese were outstanding hosts.

vii. Analysis of actual disbursements compared to the original and revised budgetary forecasts as presented in the Final Financial Report (for the Project as a whole as well as for each of the main activities);

Final Financial Report Breakdown of Main Activities

Local Project Coordinator

The original budget allocated (\$5,000) for the Local Project Coordinator. The revised budgetary forecast remains the same (\$5,000). This expenditure was included in a one-time wire transfer to our Chinese institutional partner (CUEB).

Canadian Participant Travel

The original budget allocated approximately one-third of the total budget to Canadian Travel (\$34,000). This allocation was calculated on the basis of 17 Canadian delegates (\$2,000 per delegate).

The revised budgetary forecast for Canadian Travel is (\$26, 900.35). The expenditure is under budget due to the fact that several delegates, government officials and other professional/corporate participants, who did not submit requests for reimbursement of their travel costs.

Other Project Expenses in-country/region

The original budget allocated (\$13,280) for the Translation and Interpretation, and the Forum Report and Proceedings Publication. The revised budgetary forecast proposes an increase in the budgetary allotment for the Proceedings Publication to (\$25,000). This variance is possible by transferring funds originally allocated for Canadian Travel to the new budget line. The success and interest generated by the Forum in Beijing, and the request by Chinese and Canadian delegates to continue the dialogue, will be advanced by this financial adjustment and expenditure to produce a quality bilingual (English and Chinese) publication for distribution in Canada and China. *(By agreement Monday 11/07/2011).*

viii. State reasons justifying variances;

The overall financial disbursements were prudent with regard to expenditures and we were successful in negotiating the changes that arose (through codicil and sub-agreement). The variances in budgetary expenditures resulted from the reallocation of allotted travel funds to administration requirements and the proceedings publication. The reallocating some funds from Travel (because of government and corporate participants paying their own fare) to Final Report and Proceedings Publication, is justified on the on the grounds that continued dialogue and networking will be advanced by the quality of the inaugural bilingual publication.

ix. Include any other information related to the administrative and financial aspects of the Project;

Cross-Cultural Differences in Accounting Manipulations and Procedures:

As is standard accounting procedure in Canadian academia, the university set an account in the name of Professor Lorne Foster (as Co-Principal Investigator). Our CUEB partners were initially requested to submit invoices for the reimbursement of conference expenses, specified as follows:

- (1) Company letter head,
- (2) Date(s)
- (3) A breakdown of services provided, with an accompanying breakdown of costs.
- (4) The purpose of the services provided (which is the full name of the symposium).

(5) Full account information (banking information, name of corporate account, account number, transfer number, etc.).

(6) All invoices given to us at the conference, or sent to: C/O Professor Lesley Jacobs, Director, York Centre for Public Policy and Law, 4700 Keele Street, Toronto, Canada, M3J 1P3.

Because of different university cultures the Chinese response was robust to our controls. The above invoicing procedure proved to be unsuccessful. Several attempts and variations of sub-agreements resulted in bulk sum 'wire transfer' from Canada to China for on-site cost allocations.

x. Include a comprehensive final presentation of the in-kind and financial contributions to the Project of the Labour Program and of any other sources of funding.

Cash and In-Kind Financial Contribution

The Labour Program provided \$90,000 in cash contribution for the Forum, and \$10,000 toward the Final Report and Proceedings Publication.

Capital University will provide \$36k in in-kind and in-cash and that York will add a \$20k in-kind contribution.

- a) The CUEB contributed \$15,000 cash, and by agreement provided substantial in-kind support in the areas of forum and research production and administration.
- b) The YPPCL-York in-kind contribution spanned the administration preparation of the forum and research production (HR services, office, conference preparation, document production, etc.).

xi. Include any other information and main challenges related to the administrative and financial aspects of the Project;

The Canada-China Forum represents an innovative initiative that provides a fundamental baseline for future projects to build on. The Proceedings Publication will provide focal point for potential project synergies and networking. Since continued dialogue and networking will be advanced by the quality of the inaugural bilingual publication, it is essential to allocate sufficient administrative/financial resources.

Canada-China Publication Costs

Publication: Special Issue of Just Labour (refereed Canadian academic journal) devoted to the Canada-China Forum on Labour and Industrial Relations

Projected Publication Date: February 28, 2012 (in both online and hardcopy issue)

Budget:

1. Editors Fees: \$10,000
 2. Copy-Editing Assistance: \$3100
 3. Translation Fees (Chinese to English Text): \$2700
 4. Printing Cost Run: \$2250
- Total: \$18,050

Original Allocation: \$10,000 (did not include items 2, 3, or 4)
Allocation Transfer from Other Unused Allocations in Budget: \$8,050

xii. Public relations issues;

N/A

xiii. Analysis, comments, and recommendations with respect to each of the main activities;

Chinese and Canadian participants expressed a strong interest in a follow-up Forum. It may be useful to have a follow-up in China followed by one here in Toronto. The virtue of doing a conference in China would be the value of having participation of Chinese students and government officials who would not otherwise have the opportunity to attend.

xiv. Assessment of the synergy between the Project funded under the Agreement and other Projects funded by the Labour Program or CIDA (if applicable)

N/A – The Canada-China Forum represents an innovative initiative that provides a fundamental baseline for future projects to build on. The Proceedings Publication will provide focal point for potential project synergies and networking.

xv. Description of gender-specific objectives or measures and actual results (outputs and outcomes) attained;

For this project we worked with Chinese partners to ensure that gender equality was taken into consideration throughout the project. This included addressing gender-based discrimination in the workplace, gender bias in mediation and arbitration policies and practices, using gender neutral language in communication and encouraging a good balance of men and women participants to the forum.

In China, women as a percentage of the labour force are nearly 40 per cent in urban areas and 47 per cent in rural areas. A survey of 20,000 households in 2001 conducted by the All China Women's Federation (ACWF) and the National Statistics Office (NSO) indicates that the situation of women in employment deteriorated during the 1990s. Many Chinese women

migrants are concentrated in informal, subsistence and vulnerable forms of employment. Challenges faced by enterprises to remain competitive plus a tendency toward gender bias can make women more vulnerable to discrimination in the workplace. In addition, women face a variety of barriers in their access to justice including, poor implementation of laws that protect the rights of women workers and gender bias among employers and complaint bodies.

In Canada, a glass ceiling phenomenon persists. According to a recent report by the Conference Board of Canada, which analyzed labour force data from between 1987 and 2009, while women made up nearly 48 per cent of the workforce in 2009, only 0.32 per cent held senior management roles. That's only 26,000 of eight million women. Men, meanwhile, held 0.64 per cent of senior executive jobs that year, or 56,200 bosses out of 8.8 million working men.

Gender differences were well represented in the Forum. Female representation occurred in all the stakeholder groups – academic, union and NGO (Canadian side). In broad presentations it was recognized that for the goal of worker empowerment components will incorporate a gender perspective in order to eradicate all forms of discrimination against women in the labour arena. This implies strongly developing intersectoral measures and exchanges of information, knowledge and experiences, as well as generating projects for technical assistance that can make this agenda possible (consistent with ILO protocols).

xvi. Description of unexpected project achievements (activities, spin-offs, benefits and/or results);

Capital University expressed an interest in having student and faculty exchanges.

xvii. Any other important issues affecting project implementation.

The nature of the discussions in the Forum and the caliber of the delegates provided the opportunity to have a greater number of presentation, longer discussion periods, more plenary sessions, and more in depth discussion and exchange of information and ideas. A two-day conference proved to be insufficient to mine the full potential of the forum.

xviii. Summary of participant comments and evaluations

Overall the Forum was a successful for the Canadian and Chinese delegates on several fronts. Representative comments are set out below:

- The quality of presentations from the Chinese and Canadian scholars was extremely high, but there was not enough time for discussion.
- Canadians got more out of the forum from the Chinese than the Chinese got from the Canadians (i.e., e.g., Chinese scholars wanted more in terms of the Canadian experience and practical collective bargaining information in order to address their specific needs).

- The face-to-face meeting cemented a working relationship which is important if there is to be continued dialogue between the two partners. Had there been little to no rapport established, from a Chinese perspective, the initiative would have achieved little. China invited its foremost scholars on industrial and labour relations; Canada provided experts from various sectors that are involved in industrial/labour relations – it was a powerful mix.
- The Chinese were able to convey both the gravity and urgency of the employment issues they are currently facing. Canada is positioned to provide assistance at various levels.
- The quality of the presentations contributed to a better understanding of work-related issues facing China.
- The quality of the presentations contributed to a stronger understanding of how Canadian models of labour and industrial relations may be applicable to China’s employment situation, including migrant workers.
- The program overall allowed for stimulating and respectful discussion of challenging issues very respectful environment / surprised at the frankness of some Chinese scholars, which suggests they felt it was a comfortable venue to share their concerns.
- Participant packages & presentation material was user-friendly. Lunch and refreshments satisfying.
- Facilities and audio visual equipment were comfortable, functional and accessible. Appreciate the assistance of the many students. Accommodations were comfortable even the firm bed!
- The Forum resulted in a meaningful and worthwhile exchange of information. The connection established with Canadian and Chinese counterparts is significant and it is clear that the comfort level among participants contributed to the event’s success.

November 12, 2012

*Professor Lorne Foster, Director, Masters Public Policy Administration and Law
Professor Lesley Jacobs, Former Director, York Centre for Public Policy and Law*